

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cr-0006
)	
TILLISA CEASER and LUIS ORTIZ, JR.,)	
)	
Defendants.)	
)	
)	
)	

ORDER

BEFORE THE COURT is the Motion to Request a Trial Date and for an Extension of Time to File Pretrial Brief and Trial Exhibits in this matter, currently scheduled for September 20, 2021. For the reasons stated herein, the Court will grant the motion. The time to try this case is extended up to and including February 22, 2022.

On September 15, 2021, the United States (the “Government”) filed a motion to request a trial date. (ECF No. 62.) In the motion, the Government cites this Court’s Twenty-Sixth Order Concerning Operations, “wherein the Court ruled that, between the period of September 1, 2021 through September 30, 2021, all criminal jury trials scheduled before any judge in either Division of the Court are continued without date pending further Order of the Court.” *Id.* at 1. The Government requests that the trial be scheduled on or after November 15, 2021, and additionally requests an extension of the filing deadlines for pretrial briefs and trial exhibits. Defendant Ceaser has not responded to the motion.

In response to the COVID-19 pandemic, the Chief Judge of the District Court of the Virgin Islands entered a general order concerning operations of the Court on March 17, 2020. The Chief Judge has thus far extended the order sixteen times, finding that the ends of justice

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require excluding March 18, 2020, through September 30, 2021, from the Speedy Trial count in all criminal matters.

To date, the COVID-19 virus has claimed more than 668,000 lives (67 of which have been in the U.S. Virgin Islands). COVID-19 continues to present an unpredictable threat to public health and safety, as shown in the recent surge in COVID-19 cases both in the continental United States and the Virgin Islands. As a multi-defendant case, this case presents significant challenges for the Court to comply with social distancing guidelines during the jury trial. Practical considerations would require additional spacing for Defendants, counsel, and jurors—and the potential for additional jurors in the courtroom. As such, the Court finds that extending the period within which Defendants may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendants, the jury, the prosecutors, the witnesses, the Court's personnel, and the general public at large.¹

The premises considered, it is hereby

ORDERED that the United States' Motion to Request a Trial Date and for an Extension of Time to File Pretrial Brief and Trial Exhibits, ECF No. 62, is **GRANTED**; it is further

ORDERED that the time beginning from the date of this order granting an extension through February 22, 2022, shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

¹ There is also one motion pending disposition by the Court: Defendant Ceaser's *Motion to Suppress Statements and Tangible Evidence*, filed March 2, 2020. (ECF No. 24.) The Speedy Trial Act also excludes "[a]ny period of delay resulting from other proceedings concerning the defendant, including . . . (D) delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion" 18 U.S.C. § 3161(h)(1).

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ORDERED that the parties shall file and serve a pre-trial brief no later than February 15, 2022, which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

ORDERED that the parties shall provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits no later than February 16, 2022;² and it is further

ORDERED that the jury selection and trial in this matter previously scheduled for September 20, 2021, are **RESCHEDULED** to commence promptly at 9:00 A.M. on February 22, 2022, in St. Thomas Courtroom 1.

Dated: September 17, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

² Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government's trial exhibits shall be labelled sequentially beginning with Government's Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.